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19 Erica and Joseph Vago

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21 **UNITED STATES BANKRUPTCY COURT**
22 **CENTRAL DISTRICT OF CALIFORNIA – LOS ANGELES DIVISION**
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24 In re:

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26 LESLIE KLEIN,

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28 Debtor and Debtor in Possession,
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Case No. 2:23-bk-10990-SK

Chapter 11 Proceeding

**EVIDENTIARY OBJECTIONS OF
JUDGMENT CREDITORS ERICA AND
JOSEPH VAGO TO DECLARATION OF
FREDDIE MORSEL IN SUPPORT OF
[RENEWED] MOTION OF CHAPTER 11
TRUSTEE FOR ORDER APPROVING
SETTLEMENT BETWEEN THE
TRUSTEE AND A. GESTETNER
FAMILY TRUST AND GESTETNER
CHARITABLE REMAINDER
UNITRUST PURSUANT TO
BANKRUPTCY RULE 9019**

Date: February 12, 2025
Time: 9:00 a.m.
Place: Courtroom 1575
U.S. Bankruptcy Court
255 E. Temple Street
Los Angeles, CA 90012

**TO THE HONORABLE SANDRA R. KLEIN, JUDGE OF THE UNITED STATES
BANKRUPTCY COURT, OFFICE OF THE UNITED STATES TRUSTEE, CHAPTER 11
TRUSTEE, AND TO ALL PARTIES IN INTEREST:**

PLEASE TAKE NOTICE that Judgment Creditors Erica and Joseph Vago (collectively the “Vagos”), hereby file these Evidentiary Objections to the Declaration of Freddie Morsel (“Morsel Declaration”) in support of the Chapter 11 Trustee’s Motion for Order Approving Settlement Between the Trustee and A. Gestetner Family Trust and Gestetner Charitable Remainder Unitrust Pursuant to Bankruptcy Rule 9019 (“Motion”), and respectfully represent as follows:

MORSEL DECLARATION STATEMENTS AT ISSUE	OBJECTIONS	COURT’S RULING
<p>¶ 2</p> <p>“Subsequent to the death of my grandfather, I undertook a review of the legal documents located at my grandfather’s primary residence at 1424 55th Street, in Brooklyn, New York.”</p>	<p>Improper Argument pursuant to Federal Rule of Evidence (“FRE”) 402 and Improper Opinion pursuant to FRE 701 regarding the characterization of the documents as “legal”.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
<p>¶ 3</p> <p>“Among the documents in my grandfather’s home, I located a bound binder of closing documents relating to the property located at 168 7th Street in Brooklyn, New York entitled Closing Statement of First Amended Gestetner Living Trust and the Gestetner Charitable Remainder Unitrust and JE Goldberg Trust Closed on September 23, 2005 (the “Closing Binder”). A full and complete copy of the Closing Binder is attached hereto as Exhibit “A”.”</p>	<p>The “Closing Binder” does not constitute a business record as there has been no showing by the Trustee that the document was prepared and kept in “the course of a regularly conducted activity” of a “business” or “organization” as established “by the testimony of the custodian or another qualified witness.” <i>See</i> FRE 803(6).</p> <p>Morsel cannot authenticate the “Closing Binder” and lacks foundation to authenticate the “Ledger” pursuant to FRE 602.</p> <p>Improper hearsay pursuant to FRE 807 as there is not sufficient indicia of reliability to meet the residual hearsay exception.</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>

1	¶ 4		Sustained:
2		The “Ledger” is a one-page, unsigned,	_____
3	“Included in the Closing Binder	undated spreadsheet with the simple	
4	is a ledger. The header of the	header “Gestetner.” (Dkt. 884 at p.	Overruled:
5	ledger reflects the account name	20.)	_____
6	as Gestetner and the relevant		
7	property as 168 7 th Street (the	It is not clear when the “Ledger” was	
8	“Ledger”). According to the	created or when it was purportedly	
9	Ledger, \$5,455,403.00 was wire	found (other than the assertion that it	
10	into the Gestetner account on	was located sometime after Gestetner	
11	September 27, 2005, three checks	died).	
12	were written out of the account		
13	bringing the remaining balance	Morsel cannot authenticate the	
14	down to \$3,659,086.75. On	“Ledger” and lacks foundation to	
15	October 10, 2005, the balance	authenticate the “Ledger” pursuant to	
16	increased by \$470.35 which is	FRE 602.	
17	reflected in the Ledger as		
18	“Interest Accumulated”, and then	The “Ledger” does not constitute a	
19	an outgoing wire of	business record as there has been no	
20	\$3,659,507.10 was sent to Les	showing by the Trustee that the	
21	Klein, bringing the account	document was prepared and kept in	
22	balance to \$0.”	“the course of a regularly conducted	
23		activity” of a “business” or	
24		“organization” as established “by the	
25		testimony of the custodian or another	
26		qualified witness.” <i>See</i> FRE 803(6).	
27			
28		Improper hearsay pursuant to FRE	
29		807 as there is not sufficient indicia of	
30		reliability to meet the residual hearsay	
31		exception.	
32			
33		Morsel lacks personal knowledge with	
34		respect to the statements summarizing	
35		the alleged transactions in the Ledger	
36		pursuant to FRE 602.	
37			
38		The statements summarizing the	
39		alleged transactions in the Ledger are	
40		also improper argument pursuant to	
41		FRE 402 and improper opinion	
42		pursuant to FRE 701.	
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1 The Vagos respectfully requests that the Court sustain the above evidentiary objections to
2
3 the Morsel Declaration submitted by the Trustee in support of the Motion.
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5 Respectfully submitted,

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7 Dated: January 21, 2025

GOE FORSYTHE & HODGES LLP

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10 By: /s/Robert P. Goe

11 Robert P. Goe

12 Attorneys for Judgment Creditors Erica Vago
13 and Joseph Vago
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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 17701 Cowan, Bldg. D., Suite 210, Irvine, CA 92614

A true and correct copy of the foregoing document entitled (*specify*): **EVIDENTIARY OBJECTIONS OF JUDGMENT CREDITORS ERICA AND JOSEPH VAGO TO DECLARATION OF FREDDIE MORSEL IN SUPPORT OF [RENEWED] MOTION OF CHAPTER 11 TRUSTEE FOR ORDER APPROVING SETTLEMENT BETWEEN THE TRUSTEE AND A. GESTETNER FAMILY TRUST AND GESTETNER CHARITABLE REMAINDER UNITRUST PURSUANT TO BANKRUPTCY RULE 9019** will be served or was served (**a**) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (**b**) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):

Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) January 21, 2025, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached

page

2. SERVED BY UNITED STATES MAIL:

On (*date*) January 21, 2025, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached

page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served):

Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) January 21, 2025, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

- The Honorable Sandra R. Klein, USBC, 255 E. Temple Street, Ctrm 1575, Los Angeles, CA 90012

☐ Service information continued on attached

page

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2 I declare under penalty of perjury under the laws of the United States that the foregoing is true and
3 correct.
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5 January 21, 2025 Susan C. Stein /s/Susan C. Stein
6 *Date Printed Name Signature*
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TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):

Mailing Information for Case 2:23-bk-10990-SK

Electronic Mail Notice List

The following is the list of **parties** who are currently on the list to receive email notice/service for this case.

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